

**Amendments to the Drawings**

The attached sheets of drawings include changes to Figs. 1-3, 6 and 7. These drawings have been modified to remove the erasures, alterations, overwritings, interlineations, fold, and/or copy machine marks objected to in the draftsperson's review dated December 19, 2005.

Attachment: Replacement Sheets  
Annotated Sheets Showing Changes

### **REMARKS**

Claims 1-15 are pending. Claims 16-24 and 26-29 were previously withdrawn in response to a restriction requirement. The originally-filed claims did not include a claim 25. In an Office Action mailed December 19, 2006, claims 1, 3 and 9 were rejected as indefinite under 35 U.S.C. §112, second paragraph. Claims 1-11 and 15 were rejected as anticipated by U.S. Patent Application Pub. No. 2001/0049636 to Hudda et al. ("Hudda"). Claims 12-14 were rejected as obvious over Hudda in view of U.S. Patent Application Pub. No. 2003/004834 to Yamazaki ("Yamazaki"). This Amendment amends claims 1, 3, 9 and 11. No new matter has been added.

#### **Hudda Does Not Disclose A Service Control System Using SMS and/or MMS As Recited in the Claims.**

Claim 1 recites, in relevant part, a service selected by a user via a service control system, where "the service control system communicates with the mobile device using at least one of a short message service (SMS) protocol and a multimedia message service (MMS) protocol." In contrast, the system in Hudda is used to purchase goods through a combination of in-store shopping and wireless interaction with a store. *See, e.g.*, ¶¶ 0009, 0056, 0060. Hudda further describes a set of programs that may aid a shopper using Hudda's system, such as a geographically-based directory (¶¶ 0071-0073), price negotiation (¶¶ 0077-0080), and product advice (¶¶ 0085-0088). Although Hudda does not indicate what protocol these programs use to communicate with a user, the variety and scope of the usage likely requires a complex interface, such as those shown in FIGS. 7A – 8D. Furthermore, while Hudda indicates that SMS may be used by a customer to notify a "buddy" of purchase opportunities (see ¶ 0151), notably there is no indication that such messages can be used to provide commercial services to a user as recited in claim 1. Hudda does not anticipate claim 1, and does not anticipate the dependent claims for at least the reasons given with respect to claim 1.

**Hudda Does Not Disclose All the Elements of the Dependent Claims.**

Many of the independent claims recite further limitations not disclosed by Hudda. For example, claim 3 recites a user selection of a grade and/or quantity of service. Hudda describes only the purchase of various goods at a physical store; there is no description of grades or quantity of a purchased service. Similarly, claim 5 recites selecting a user selection of a service option. Hudda merely allows a user to purchase goods stored in inventory (whether at the store in which the user uses the system or at another store); there is no description of service options.

For at least the reasons given above, claims 1-11 are not anticipated by Hudda. Withdrawal of the rejections and reconsideration is respectfully requested.

**35 U.S.C. §103 Rejections**

Claims 12-14 were rejected as obvious over Hudda in view of Yamazaki. However, Yamazaki does not remedy the defects of Hudda described above. These claims depend from and independent claim 1, and therefore are allowable for at least the reasons given above with respect to claim 1. Withdrawal of the rejections and reconsideration is respectfully requested.

**35 U.S.C. §112 Rejections**

Claims 1, 3 and 9 were rejected as indefinite due to insufficient antecedent basis. These claims have been amended to provide corrected dependency and/or antecedent basis. It is noted that claim 1 previously recited a “service control system” in the preamble; the claim has been rewritten to include this phrase in the body of the claim. Withdrawal of the rejections and reconsideration is respectfully requested.

**Claim Objections**

Claim 11 was objected to due to informalities. The claim has been amended as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

### **Drawings**

Figs. 1-3, 6 and 7 were objected to as having erasures, alterations, overwritings, interlineations, and/or copy machine marks. Clean copies of these drawings are submitted herewith. As shown on the attached annotated sheets, the stray marks and copy machine marks have been removed. Withdrawal of the objections is respectfully requested.

### **Specification**

The Abstract was objected to as being longer than 150 words. The above amendment reduces the Abstract to less than 150 words. Withdrawal of the objection is respectfully requested.

**Conclusion**

Based on the above remarks, Applicants believe the claims are in condition for allowance. The Commissioner is authorized to charge any fees or credit any overpayment to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.


Attachments:

Replacement Sheets, Figs. 1-3, 6, 7

Annotated Sheets, Figs. 1-3, 6, 7

Respectfully submitted,

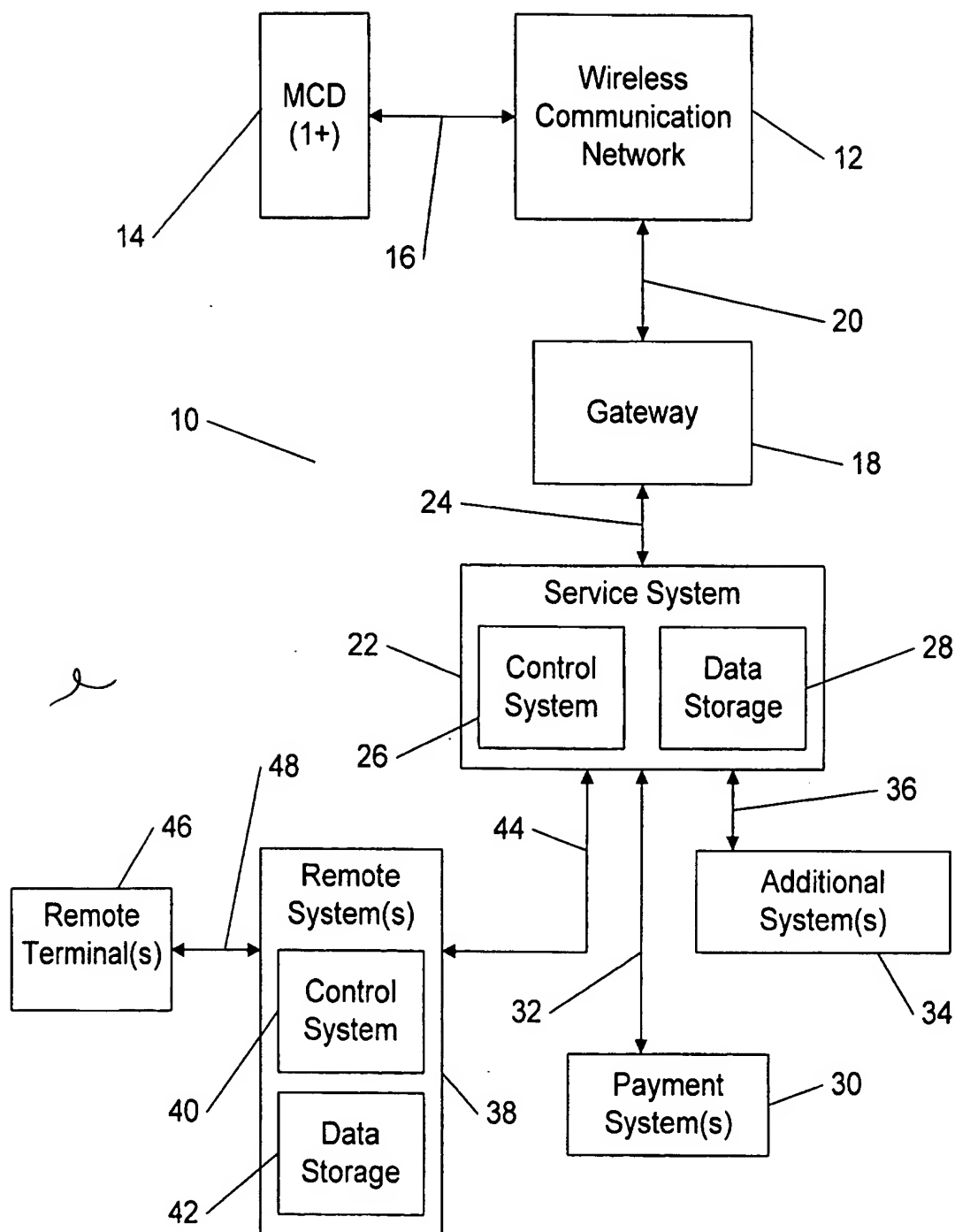
Date: February 20, 2007

  
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FIG. 1



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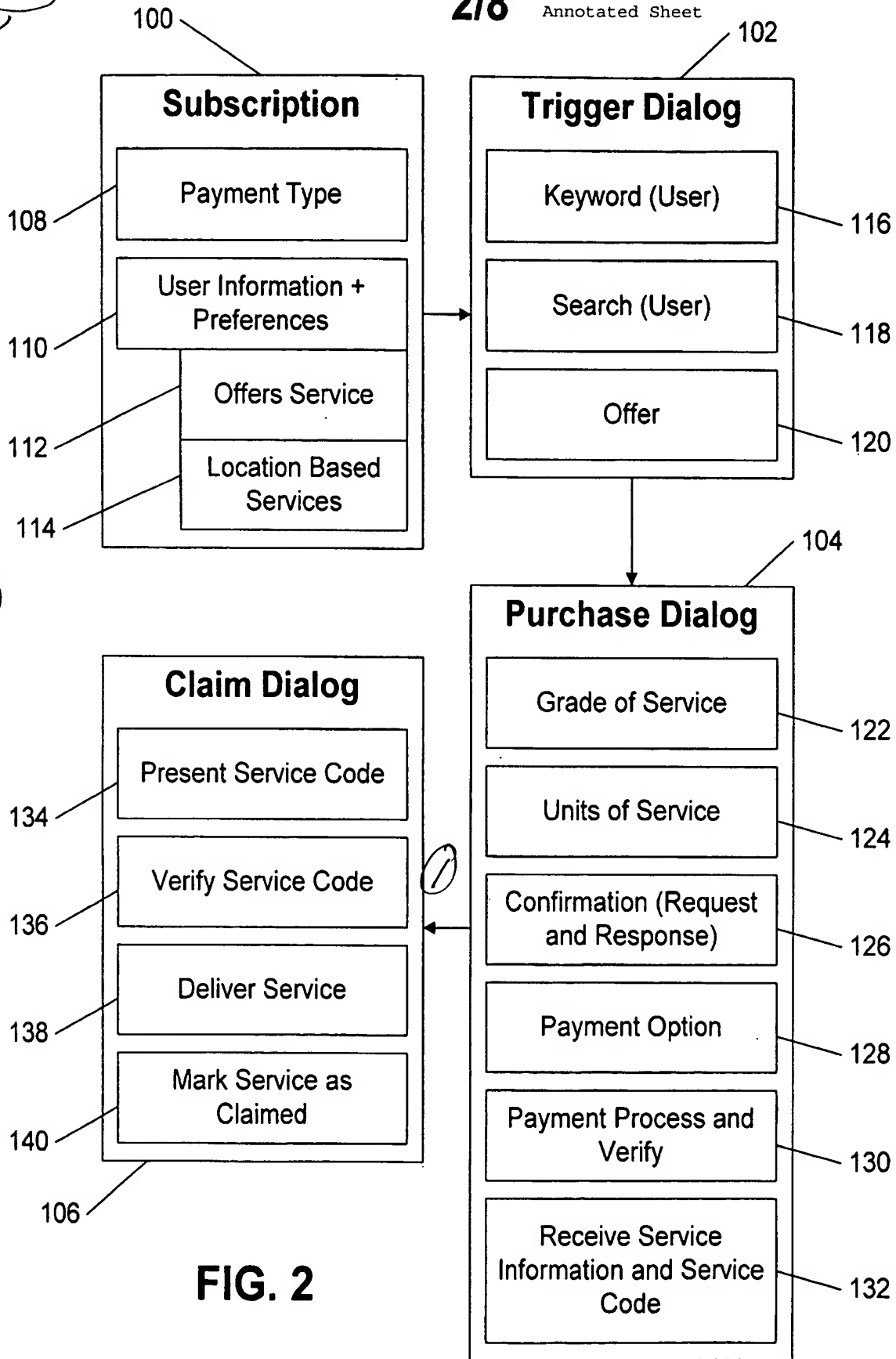
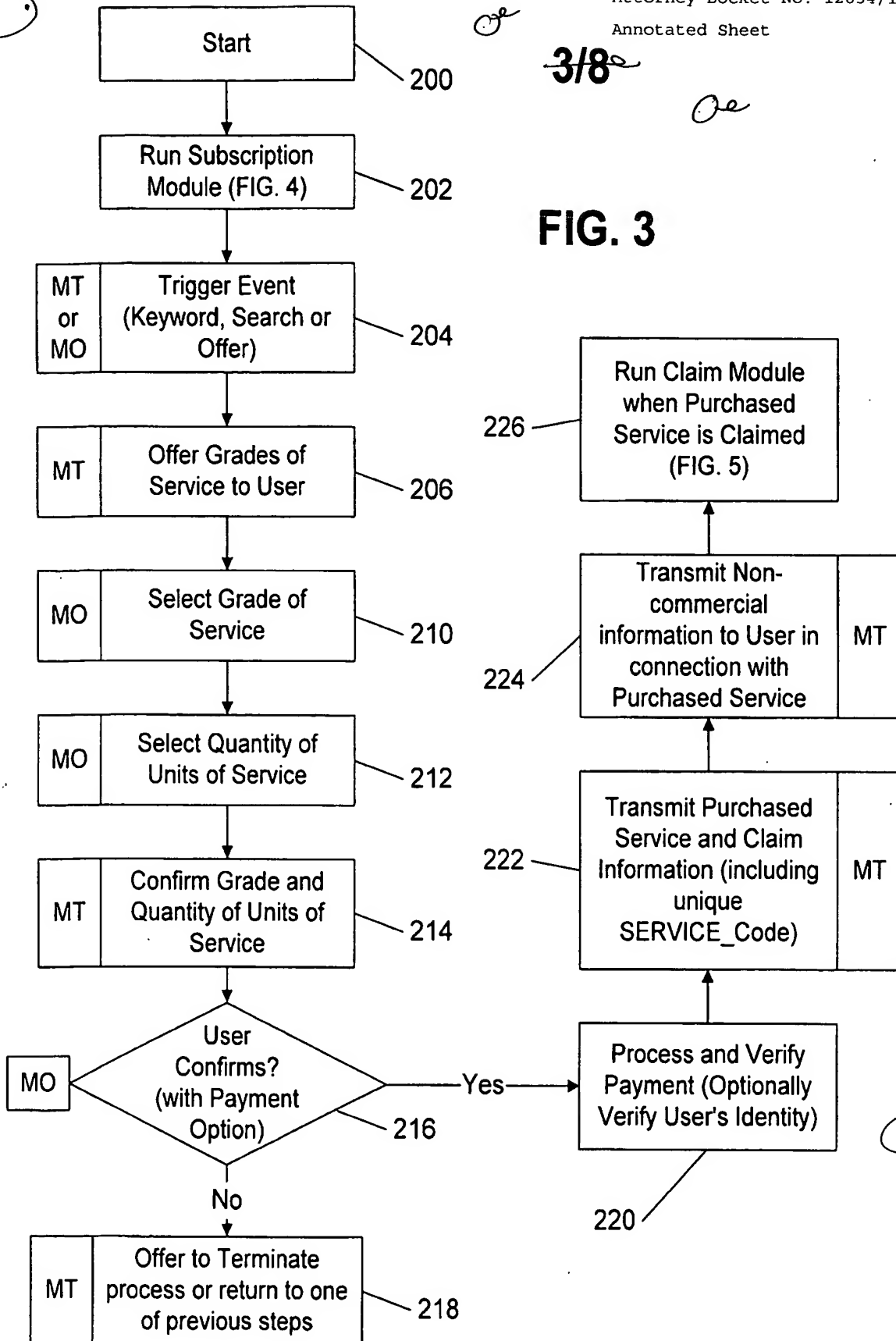


FIG. 2

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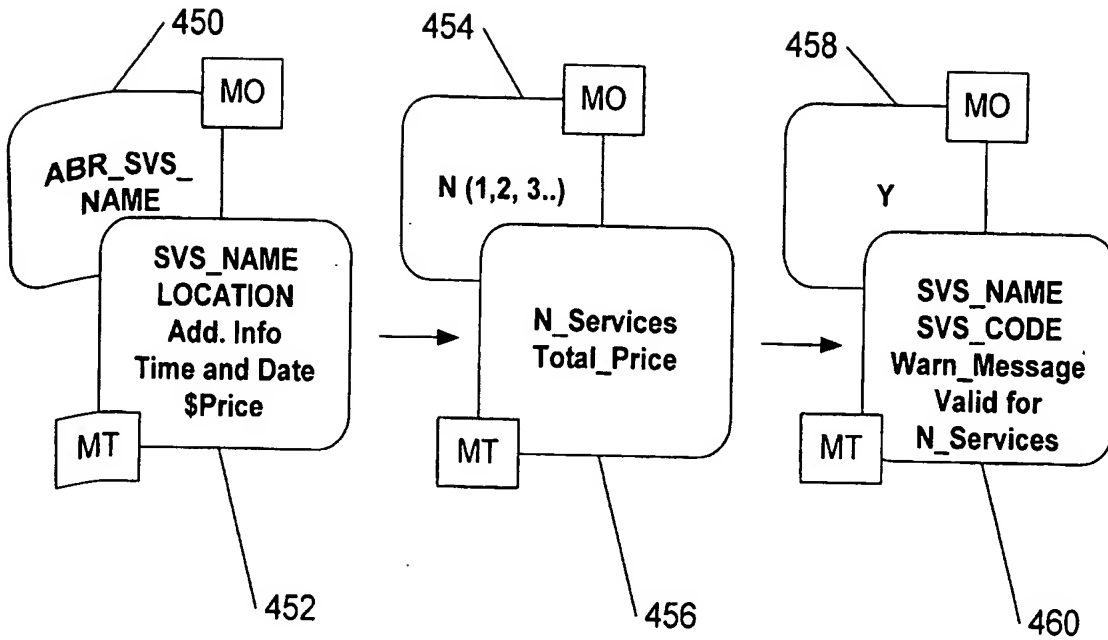
FIG. 3





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**FIG. 6**  
**(Example)**



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